

March 24, 1981

LB 475

for that period of time. Now whether or not we pass a law in conflict with LB 82 or not I suppose is immaterial. What it will do, of course, if they ever do deny a judge compensation during that period of time is set up a lawsuit and it is my opinion that it is very clearly in conflict with the Constitution, the amendment that was adopted recently. So whether or not we pass this bill or not I suppose is of no effect because in my opinion the Constitution makes it very clear that a judge will not be denied compensation during that period of time. So I think Senator Chambers amendment is in error and I would urge you to vote against it and then adopt LB 475.

SENATOR CLARK: Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, Senator Cullan is absolutely correct and I would like to incorporate by reference without repeating the remarks that he made and the latter half of the remarks by Senator DeCamp. We simply do not have any discretion in this matter. This is what the Constitution provides. If we attempt to change those provisions in any way, our act is unconstitutional. Now the only purpose for passing the statute in the first place is to bring the underlying legislation into conformity with the Constitution but again, this whole issue is moot. We do not have any discretion. There is no point in debating it as I see it. We should simply reject Senator Chambers' amendments and pass this bill on Final Reading and be done with it.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: Senator Higgins.

SENATOR HIGGINS: Did you call me, Mr. Speaker?

SPEAKER MARVEL: Yes, you are on the list to speak.

SENATOR HIGGINS: I just want to ask one question of Senator DeCamp. First of all, I intend to vote for LB 475 but on the amendment you made the statement about Senator Chambers' amendment, denying the judges compensation just while their case is pending or just because they have been accused. In the case of an individual, say Marge Higgins is accused, and I have my hearing and the judge says bond is \$50,000 and Marge Higgins can not post a \$50,000 bond. So I go to jail and I sit there until my case comes up. I don't get any salary. My employer cuts me off or my insurance agency does not make any money. I lose my income. Now when I go to court I am found not guilty. Is there anything in the law right now that gives me back my loss of income while I sat in jail waiting to go to court?